

Calendar No. 186

112TH CONGRESS
1ST SESSION**H. R. 765**

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2011

Received; read twice and placed on the calendar

AN ACT

To amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ski Area Recreational
5 Opportunity Enhancement Act of 2011”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to amend the National
8 Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

1 (1) to enable snow-sports (other than nordic
2 and alpine skiing) to be permitted on National For-
3 est System land subject to ski area permits issued
4 by the Secretary of Agriculture under section 3 of
5 the National Forest Ski Area Permit Act of 1986
6 (16 U.S.C. 497b); and

7 (2) to clarify the authority of the Secretary of
8 Agriculture to permit appropriate additional sea-
9 sonal or year-round recreational activities and facili-
10 ties on National Forest System land subject to ski
11 area permits issued by the Secretary of Agriculture
12 under section 3 of the National Forest Ski Area
13 Permit Act of 1986 (16 U.S.C. 497b).

14 **SEC. 3. SKI AREA PERMITS.**

15 Section 3 of the National Forest Ski Area Permit Act
16 of 1986 (16 U.S.C. 497b) is amended—

17 (1) in subsection (a), by striking “nordic and
18 alpine ski areas and facilities” and inserting “ski
19 areas and associated facilities”;

20 (2) in subsection (b), in the matter preceding
21 paragraph (1), by striking “nordic and alpine skiing
22 operations and purposes” and inserting “skiing and
23 other snow sports and recreational uses authorized
24 by this Act”;

1 (3) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively;

3 (4) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) OTHER RECREATIONAL USES.—

6 “(1) AUTHORITY OF SECRETARY.—Subject to
7 the terms of a ski area permit issued pursuant to
8 subsection (b), the Secretary may authorize a ski
9 area permittee to provide such other seasonal or
10 year-round natural resource-based recreational ac-
11 tivities and associated facilities (in addition to skiing
12 and other snow-sports) on National Forest System
13 land subject to a ski area permit as the Secretary
14 determines to be appropriate.

15 “(2) REQUIREMENTS.—Each activity and facil-
16 ity authorized by the Secretary under paragraph (1)
17 shall—

18 “(A) encourage outdoor recreation and en-
19 joyment of nature;

20 “(B) to the extent practicable—

21 “(i) harmonize with the natural envi-
22 ronment of the National Forest System
23 land on which the activity or facility is lo-
24 cated; and

1 “(ii) be located within the developed
2 portions of the ski area;

3 “(C) be subject to such terms and condi-
4 tions as the Secretary determines to be appro-
5 priate; and

6 “(D) be authorized in accordance with—

7 “(i) the applicable land and resource
8 management plan; and

9 “(ii) applicable laws (including regula-
10 tions).

11 “(3) INCLUSIONS.—Activities and facilities that
12 may, in appropriate circumstances, be authorized
13 under paragraph (1) include—

14 “(A) zip lines;

15 “(B) mountain bike terrain parks and
16 trails;

17 “(C) frisbee golf courses; and

18 “(D) ropes courses.

19 “(4) EXCLUSIONS.—Activities and facilities
20 that are prohibited under paragraph (1) include—

21 “(A) tennis courts;

22 “(B) water slides and water parks;

23 “(C) swimming pools;

24 “(D) golf courses; and

25 “(E) amusement parks.

1 “(5) LIMITATION.—The Secretary may not au-
2 thorize any activity or facility under paragraph (1)
3 if the Secretary determines that the authorization of
4 the activity or facility would result in the primary
5 recreational purpose of the ski area permit to be a
6 purpose other than skiing and other snow-sports.

7 “(6) BOUNDARY DETERMINATION.—In deter-
8 mining the acreage encompassed by a ski area per-
9 mit under subsection (b)(3), the Secretary shall not
10 consider the acreage necessary for activities and fa-
11 cilities authorized under paragraph (1).

12 “(7) EFFECT ON EXISTING AUTHORIZED AC-
13 TIVITIES AND FACILITIES.—Nothing in this sub-
14 section affects any activity or facility authorized by
15 a ski area permit in effect on the date of enactment
16 of this subsection during the term of the permit.”;

17 (5) by striking subsection (d) (as redesignated
18 by paragraph (3)), and inserting the following:

19 “(d) REGULATIONS.—Not later than 2 years after
20 the date of enactment of this subsection, the Secretary
21 shall promulgate regulations to implement this section.”;
22 and

23 (6) in subsection (e) (as redesignated by para-
24 graph (3)), by striking “the National Environmental
25 Policy Act, or the Forest and Rangelands Renewable

1 Resources Planning Act as amended by the National
2 Forest Management Act” and inserting “the Na-
3 tional Environmental Policy Act of 1969 (42 U.S.C.
4 4321 et seq.) and the Forest and Rangeland Renew-
5 able Resources Planning Act of 1974 (16 U.S.C.
6 1600 et seq.)”.

7 **SEC. 4. EFFECT.**

8 Nothing in the amendments made by this Act estab-
9 lishes a legal preference for the holder of a ski area permit
10 to provide activities and associated facilities authorized by
11 section 3(c) of the National Forest Ski Area Permit Act
12 of 1986 (16 U.S.C. 497b(c)) (as amended by section 3).

 Passed the House of Representatives October 3,
2011.

Attest:

KAREN L. HAAS,
Clerk.

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